

REMARKS

Claims 1-118 are pending in the application.

Claims 1-118 stand rejected.

Claims 52, 71, 104 and 116 have been amended.

In the Specification

Claims 2, 11, 14, 27, 34, 38, 39, 53, 57, 58, 72, 76, 77, 87, 95 and 99 are objected to under 37 CFR 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant respectfully disagrees.

The Office Action posits that claims 2, 11, 34, 38, 53, 57, 72, 76, 87, 95 and 99 do not provide any further limitations to the base claims. The recited language “security level information represents a security level” purportedly fails to provide “a step function to a method or a physical component to a network device.” (Office Action, p. 2) Applicant respectfully submits that claims 2, 11, 34, 38, 53, 57, 72, 76, 87, 95 and 99 provide the further limitation of “security level information” representing “a security level” – both of which are defined in the specification. In light thereof, these terms will be appreciated by one of skill in the art as being information regarding security levels, generally, as opposed to a specific security level, respectively. Thus, by defining “security level information” as representing “a security level”, Applicant respectfully submits that claims 2, 11, 34, 38, 53, 57, 72, 76, 87, 95 and 99 do indeed provide the further limitation of the claims from which they depend.

Claims 14, 39, 58 and 77 purportedly recite a limitation which already exists in claims 1, 33, and 52, respectively. Applicant respectfully submits that such is not the case.

These claims recite storing the second security level information at the network node (or limitations comparable thereto). Applicant respectfully submits that such a limitation is not “redundant”, as posited by the Office Action. (Office Action, p. 2) The claims from which claims 14, 39, 58 and 77 depend contain no such limitation, and lacking such, are not so limited. Thus, storing the second security level information at the network node (and the like) are limitations of substance, and so do further limit the invention, as claimed in the claims from which claims 14, 39, 58 and 77 depend.

Claim 27 is purportedly “... recites ‘performing said processing on said packet based on said comparing’ which is basically the same as ‘indicating processing to be performed on said packet based on said comparing’ in claim 1, therefore it is redundant.” (Office Action, p. 2) Again, the Office Action refers to the limitations of claim 27 as being “redundant”. As an initial matter, Applicant respectfully submits that Applicant is unaware of the infirmity of redundancy in claims. Moreover, Applicant respectfully submits that claim 27 recites performing the claimed processing, while claim 1 recites indicating that such processing should be performed. The actual performance of the processing is obviously different from the indication that such processing should be performed. Thus, claim 27 does indeed further limit claims 1 and 2, and so is not “redundant”, as characterized by the Office Action.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 71-73 and 83-89 purportedly recite means for executing different steps of the instant invention, but the specification does not provide any description for that means. Applicant respectfully submits that the means for performing the limitations recited in claims 71-73 and 83-89 can be found in Figs. 2-8 and associated description in the Specification, as well as the descriptions of Figs. 9-14 in the Specification.

Claim Objections

Claim 6 is objected to containing an informality, in that the claim is said to recite setting the security level of the port, without specifying to what level or state. Applicant respectfully submits that the claimed operation of “setting said security level of said port” is suitably defined in the specification, and, in light thereof, one of ordinary skill in the art would understand the operation being claimed in claim 6. That the level to which the security level is set is not called out in the claims is immaterial – there is no need to define (or claim) a specific level to which the claimed operation sets the security level. Moreover, enumerating a level to which the claimed operation sets the security level would be counter-productive – by claiming a given security level, claim 6 would needlessly surrender scope. Applicant therefore respectfully requests withdrawal of this rejection.

Rejection of Claims under 35 U.S.C. 112

Claims 18, 32, 94 and 116 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards to as the invention. Applicant respectfully disagrees.

As to claim 18, the language in question will, in fact, be seen to recite “third security level information”, which is introduced in claim 1. The rejection fails to properly interpret the claim language, and, in so doing, fails to comprehend the entire term thus recited. Applicant therefore respectfully submits that proper antecedent basis exists, and that the rejection is overcome as to claim 18.

As to claim 32, the language in question arises in claim 30, which, in fact, can be seen to recite “network security information” and “subnetwork security information”. These are two separate types of security information. Thus, in claim 30, network security information is stripped from a packet, and subnetwork security information is added to the packet. Applicant also directs attention to Fig. 13 and its associated description, in this regard. The rejection fails to properly interpret the claim language, and, in so doing, fails to comprehend the entire term thus recited. Applicant therefore respectfully submits that proper antecedent basis exists, and that the rejection is overcome as to claim 32.

As to claim 94, the language in question will, in fact, be seen to recite “second security level information”, which is introduced in claim 71. The rejection fails to properly interpret the claim language, and, in so doing, fails to comprehend the entire term thus recited. Applicant therefore respectfully submits that proper antecedent basis exists, and that the rejection is overcome as to claim 94.

As to claim 116, Applicant has amended this claim to address the Examiner’s concerns. Applicant therefore respectfully submits that proper antecedent basis exists, and that the rejection is overcome as to claim 116.

Rejection of Claims under 35 U.S.C. 101

Claims 52-74, 83-89, and 104-118 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. Applicant has amended claims 52, 71 and 104 to address the Examiner’s concerns. Applicant respectfully submits this rejection is overcome thereby.

Rejection of Claims under 35 U.S.C. 102

Claims 1-118 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams, U.S. Patent No. 6,304,973 B1 (Williams). Applicant respectfully disagrees.

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As an initial matter, Applicant respectfully notes the particular parts of the cited reference that have been relied upon have not been designated as nearly as practicable, and the pertinence of the reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). In particular, Applicant respectfully submits that the pertinence of the cited portions of Williams have not been provided at all. Applicant respectfully asserts that simply citing one or more paragraphs of a reference, as in some way purporting to teach or be relevant to a given claim limitation, sans any explanation thereof, is wholly inadequate in meeting both the relevant sections of the MPEP and 37 C.F.R. Nevertheless, Applicant has made every effort to respond to the rejections outlined in the Office Action.

Applicant respectfully submits that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that the Office Action fails to demonstrate that the reference shows, teaches or even suggests several of the claimed

limitations. Independent claim 1, as amended, is representative of amended independent claims 33, 52, 71, 90 and 104, and now recites:

1. A method comprising:
comparing first security level information and second security level information, wherein
said first security level information is stored in a security label of a packet
received at a network node, and
said second security level information is stored at said network node; and
indicating processing to be performed on said packet based on said comparing.

It will be appreciated that certain of the amendments presented herein are editorial in nature, and merely reflect changes in wording and the like, rather than changes in substance.

By contrast, Williams is directed to:

“A network prevents unauthorized users from gaining access to confidential information. The network has various workstations and servers connected by a common medium and through a router to the Internet. The network has two major components, a Network Security Center (NSC) and security network interface cards or devices. The NSC is an administrative workstation through which the network security officer manages the network as a whole as well as the individual security devices. The security devices are interposed, between each of workstation, including the NSC, and the common medium and operate at a network layer (layer 3) of the protocol hierarchy. The network allows trusted users to access outside information, including the Internet,

while stopping outside attackers at their point of entry. At the same time, the network limits an unauthorized insider to information defined in their particular security profile. The user may select which virtual network to access at any given time. The result is trusted access to multiple secure Virtual Private Networks (VPN), all from a single desktop machine.” (Williams, Abstract)

As will be appreciated, Williams fails to teach the limitations of the independent claims, as Williams is directed to the use of separate, individual security devices. The integrated approach and other features of the claimed invention are simply not taught by Williams. For example, in the manner previously discussed, Williams is completely oblivious to the implementation of security labels, because Williams is not concerned with the integration of security in network devices, but merely stand-alone devices, among other distinctions.

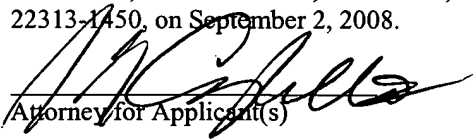
Applicant respectfully submits, therefore, that independent claims 1, 33, 52, 71, 90 and 104 are allowable over Williams, and so Applicant respectfully urge that the §102 rejection of claims 1, 33, 52, 71, 90 and 104, and claims depending thereon, be withdrawn.

CONCLUSION

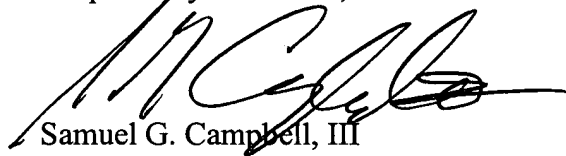
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on September 2, 2008.


Attorney for Applicant(s)

Respectfully submitted,



Samuel G. Campbell, III

Attorney for Applicants

Reg. No. 42,381

Telephone: (512) 439-5084

Facsimile: (512) 439-5099